IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 16581 of 2006(Y)

PETITIONER:

SRI.C.K.SHOOBY,
S/O.C.L.KUNJAPPAN, CHOZHIYATTIL HOUSE,
PAYYALIL, TARUR.P.O, PALAKKAD,
PIN-678 547.

BY ADV. SRI.GEORGE THOMAS (MEVADA),
SMT.VIDYA GOPINATH.

RESPONDENTS:
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1. **THE SECRETARY TO GOVERNMENT,**
   TAXES (F) DEPARTMENT,
   THIRUVANANTHAPURAM, REPRESENTING STATE OF KERALA.

2. **THE DISTRICT COLLECTOR,**
   PALAKKAD.

BY GOVERNMENT PLEADER SRI. C.K. GOVINDAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO. 16581/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE APPLICATION FILED BY THE PETITIONER SEEKING GRANT OF EMPLOYMENT ON COMPASSIONATE GROUNDS DTD. 17/06/98.

EXT.P.2: COPY OF THE COMMUNICATION FORWARDED BY THE R.1. TO THE R.2. DTD. 06/07/2000.

EXT.P.3: COPY OF THE COMMUNICATION ISSUED BY THE R.1. DTD. 15/10/2003.

EXT.P.4: COPY OF THE ACKNOWLEDGMENT CARD.

EXT.P.5: COPY OF THE COMMUNICATION ISSUED FROM THE OFFICE OF THE FINANCE MINISTER DTD. 08/03/1999.

EXT.P.6: COPY OF THE ACKNOWLEDGEMENT CARD.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P(C)No. 16581 of 2006

Dated this the 14th day of June, 2007

JUDGMENT

Petitioner is aggrieved since his application for compassionate appointment has been rejected. It is stated in the impugned order as well as in the counter affidavit that even at the time of death of the employee the petitioner had completed 37 years and on the date of application the petitioner was aged 40 years. It is also stated in the counter affidavit that the conduct of the petitioner in not having made an application immediately on the death of the worker would also indicate that there was no immediate financial crisis owing to the death of the bread winner. The Government having thus considered the matter on all relevant aspects, there is no merit in the writ petition. It is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

ahg.